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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,122

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Walter A. Nichols

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT

PAPER NUMBER

1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/532,122

Applicant(s)

NICHOLS ET AL.

Examiner

Laura Edwards

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-20 is/are rejected.
- 7) ☒ Claim(s) 5,8 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

Specification

The abstract of the disclosure is objected to because the abstract should be on a clean sheet by itself. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Claims 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, while the preamble of the claim is pertinent to fingerprinting, it is unclear how the method relates to fingerprinting because no method step for fingerprinting detection has been recited. Clarification is necessary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6, 7, 9-13, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over ASPA (Admitted State of the Prior Art) in view of Robelen (US 5,559,923).

The ASPA as set forth in the instant specification (pages 1-2) establishes the use of a portable device to vaporize or torch cyanoacrylate to applied on an object in order to detect fingerprints on the object. The ASPA fails to teach a portable device having the combined structure of a container for the liquid source [solution of cyanoacrylate]; a flow passage in fluid communication with the liquid source; a valve operable to control flow of liquid from the liquid source to the flow passage; and a heater arranged to heat the solution in the flow passage into a gaseous state. However, a portable vaporizer having a container for holding a desired liquid; a flow passage in fluid communication with the liquid source; a valve operable to control flow of liquid from the liquid source to the flow passage; and a heater arranged to heat the solution in the flow passage into a gaseous state, was known in the art, at the time the invention was made, to allow for vapor deposition on a substrate at various locations, even hard to reach locations as evidenced by Robelen (see abstract; col. 2, lines 45 to col. 3, line 49; and Fig. 2). One of ordinary skill in the art, knowing that detection of fingerprints from hard to reach places or high places would be difficult with the conventional vaporizer, would readily appreciate the use of the Robelen apparatus to vaporize the cyanoacrylate and deposit it on fingerprints in high places. Moreover, it would have been within the purview of one skilled in the art to utilize any known and conventional vaporizer having a supply chamber, flow passage, valving, and vaporizable heater to be used for vapor deposition of the cyanoacrylate to produce a latent image of fingerprints.

With respect to the tubing diameter, it would be obvious to one of ordinary skill in the art to determine via routine experimentation, the appropriate diameter of the tubing in accordance with the composition being used therein.

With respect to the receptacle for holding the cyanoacrylate being a replaceable cartridge, it would be within the level of ordinary skill in the art to provide the source or supply of cyanoacrylate composition in an appropriate container (i.e., cartridge) so as to prevent waste yet allow for rapid exchange when the cyanoacrylate has finished.

With respect to the source of liquid or cyanoacrylate being pressurized, Robelen provides source of pressure as evidenced by col. 2, lines 63-65. Even though neither the ASPA nor Robelen suggest a source pressure means in the form of a spring based plunger, it would have been within the purview of one skilled in the art to use any known and conventional pressure means (i.e., pump, spring based plunger, a piston, etc.) to facilitate removal of liquid cyanoacrylate from the source.

With respect to the method of detecting fingerprints, it would have been obvious to one of ordinary skill in the art to use the conventional vaporizer as taught by Robelen to vaporize any known cyanoacrylate composition (said compositions are set forth by the ASPA , specifically, in background art of US 5,342,645), in order to allow for detection of the fingerprints in hard to reach places (i.e., ceiling or other high places).

Allowable Subject Matter

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Claims 5, 8, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent discloses a hand held vaporizer with a removable source or supply container (i.e., cartridge): Simmonds (US 4,260,873).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura Edwards
Primary Examiner
Art Unit 1734

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April 20, 2007